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10/687,055	10/15/2003	David J. Buckley	2895P	7523

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EXAMINER

NAUROT TON, JOAN

ART UNIT	PAPER NUMBER
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2109

MAIL DATE	DELIVERY MODE
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05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/687,055	Applicant(s) BUCKLEY, DAVID J.	
	Examiner Joan B. Naurot Ton	Art Unit 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

***This first office action is in response to Application number 10/687055, filed on
October 15, 2003.***

Claim Objections

1. Claims 1, 3, 4, 6, 8-10, 12-15, 17, 18, 20, 22-24, and 26-28 are objected to because of the following informalities:

Regarding claim 1:

The phrase "a wireless device application" on line 3 should be changed to --one of the wireless device applications--.

Regarding claim 3:

The phrase "the wireless device application" on line 2 should be changed to --one of the wireless device applications--.

Regarding claim 4:

The phrase "the wireless device application" on line 3 should be changed to --one of the wireless device applications--.

Regarding claim 6:

The phrase "the wireless device application" on the last line should be changed to --one of the wireless device applications--.

Regarding claim 8:

The phrase "the wireless device application" on line 4 should be changed to --one of the wireless device applications--.

Regarding claim 9:

Art Unit: 2109

The phrase "the determining step" on line 1 lacks antecedent basis to claim 7, because claim 7 does not claim a determining step. It is suggested that claim 9 should depend from claim 8 instead of claim 7 in which there is a determining step claimed because claim 8 claims a determining step. Therefore it is suggested that the phrase "The method of claim 7" on line 1 of claim 9 be changed to --The method of claim 8--. Also the phrase "the wireless device application" on line 2 should be changed to --one of the wireless device applications--.

Regarding claim 10:

The phrase "the wireless device application" on lines 4-6 and 10 should be changed to --one of the wireless device applications--.

Regarding claim 12:

The phrase "the wireless device application" on line 2 should be changed to --one of the wireless device applications--.

Regarding claim 13:

The phrase "the wireless device application" on lines 3, 5, and 8 should be changed to --one of the wireless device applications--.

Regarding claim 14:

The phrase "for wireless device application" on line 1 should be changed to --for a wireless device application--. The phrase "a wireless device application" on line 3 should be changed to --the wireless device application--.

Regarding claim 15:

The phrase "the wireless device application" on line 3 should be changed to --one of the wireless device applications--.

Regarding claim 17:

The phrase "the wireless device application" on line 3 should be changed to --one of the wireless device applications--.

Regarding claim 18:

The phrase "the wireless device application" on line 4 should be changed to --one of the wireless device applications--.

Regarding claim 20:

The phrase "the wireless device application" on line 3 should be changed to --one of the wireless device applications--.

Regarding claim 22:

The phrase "the wireless device application" on line 4 should be changed to --one of the wireless device applications--.

Regarding claim 23:

The phrase "the wireless device application" on line 3 should be changed to --one of the wireless device applications--.

Regarding claim 24:

The phrase "the wireless device application" on line 4, 5, 6, and 10 should be changed to --one of the wireless device applications--.

Regarding claim 26:

Art Unit: 2109

The phrase "the wireless device application" on line 3 should be changed to --one of the wireless device applications--.

Regarding claim 27:

The phrase "the wireless device application" on line 3, 5, and 8 should be changed to --one of the wireless device applications--.

Regarding claim 28:

The phrase "for submitting rating for wireless device application" on lines 1 and 2 should be changed to --for submitting a rating for a wireless device application---.

The phrase "a wireless device application" on line 3 should be changed to --the wireless device application--.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1, 4-6, 7, 9, 15, 18-21, 23 and 26 are rejected under U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In this case the methods do not provide a tangible concrete output result.

Regarding claim 1:

Merely receiving and sending do not produce a concrete tangible output result. The receiving of information must be stored or displayed to produce a concrete tangible output result.

Regarding claim 4:

The packet is created, but it is not received so it cannot be stored or used, and does not fix the abstractions of claim 1.

Regarding claims 5 and 6:

The packet is sent but it is not stored, used, or displayed.

Regarding claim 7:

Claim 7 does not fix the abstractions of claim 4, nor does it produce a tangible output result since it is not displayed.

Regarding claim 9:

The mere act of determining does not produce a concrete tangible output result. The result of the determining must be displayed, used or stored.

Regarding claim 15:

Merely receiving and sending do not produce a concrete tangible output result. The receiving of information must be stored or displayed to produce a concrete tangible output result.

Regarding claim 18:

The mere act of creating a packet of information does not produce a tangible output result. It is not until the packet is received, stored and used that the result is realized and a concrete tangible output result occurs.

Regarding claim 19:

The mere act of sending does not produce a concrete tangible output result. It is not until the packet is stored after being sent or used or displayed that it produces a concrete tangible output result.

Regarding claim 20:

Claim 20 does not fix the abstractions of claim 18, and also the mere act of sending does not produce a concrete tangible output result. It is not until the packet is stored after being sent or used or displayed that it produces a concrete tangible output result.

Regarding claim 21:

Claim 21 does not fix the abstractions of claim 18, and the mere act of receiving does not produce a tangible output result. The reception of a packet must be stored, used, or displayed in order to produce a concrete tangible output result.

Regarding claim 23:

The mere act of determining does not produce a concrete tangible output result. The result of the determining must be displayed, used or stored.

Regarding claim 26:

The mere act of determining does not produce a concrete tangible output result. The result of the determining must be displayed, used or stored.

MPEP Chapter 2106 [r5] II A states "The claimed invention as a whole must be useful and accomplish a practical application. That is, it must produce a "useful,

Art Unit: 2109

concrete and tangible result." State Street 149 F.3d at *1373-74, 47 USPQ2d at 1601-02.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bilange (US publication number 2004/0093595, filed on August 8, 2003, with provisional application number 60/402310, filed on August 8, 2002).

Regarding claims 1 and 15:

Bilange discloses the method and the computer readable medium with program instructions for submitting ratings for wireless device applications, comprising the instructions and method steps for submitting ratings for wireless device applications; receiving a rating for a wireless device application by a wireless device; and sending the rating from the wireless device to a server. ("For example, a user may rate an application after it is purchased. This rating may be posted to a server and used to generate popularity statistics." paragraph 0020, lines 6-7. Bilange also discloses

wireless device applications because Bilange discloses “wireless network-connected devices and services”, paragraph 003, lines 1-2 for which “applications may be stored locally on a device.”, paragraph 004, lines 1-2. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user’s handset, which is a mobile device, Figure 7, the “User is asked to rate the app before terminating it”. block 714 of Figure 7 of the drawings.)

Regarding claim 2 and 16:

Bilange discloses the method and the computer readable medium with program instructions for submitting ratings for wireless device applications, comprising the instructions and method steps comprising: storing the rating in a database at the server. (“This system may revolve around a central database 102 that holds an application catalogue 104, user and supplier accounts 106 and transaction records 108.” paragraph 0024, lines 5-7. Also Bilange discloses, “As shown in Fig 2, the central database 102 may be implemented with a commercial-grade database 204...as the server for secure concurrent access...” paragraph 0024, lines 10-13. Bilange’s system also provides for submitting ratings because “For example, a user may rate an application after it is purchased. This rating may be posted to a server...”, paragraph 0020 lines 5-6. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user’s handset, which is a mobile device, Figure 7, the “User is asked to rate the app before terminating it”. block 714 of Figure 7 of the drawings)

Regarding claim 3 and 17:

Bilange discloses the method and the computer readable medium with program instructions for submitting ratings for wireless device applications, comprising the instructions and method steps comprising: wherein prior to the receiving step, comprises: displaying an option to submit the rating for the wireless device application (Bilange discloses the option to submit the rating because Bilange discloses "For example, a user may rate an application after it is purchased. This rating may be posted to a server...", paragraph 0020 lines 5-6. Also the "User gets a new high score and has the option to post it for everyone to see". Figure 7 of the drawings, block 712. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user's handset, which is a mobile device, Figure 7, the "User is asked to rate the app before terminating it". block 714 of Figure 7 of the drawings)

Regarding claim 4 and 18:

Bilange discloses the method and the computer readable medium with program instructions for submitting ratings for wireless device applications, comprising the instructions and method steps comprising: wherein the sending step comprises: creating a packet comprising the rating (It is inherent in a mobile network device to be able to send packets of information, and Bilange's framework allows a user to submit a rating, Figure 7 of the drawings block 714, therefore this entails that the rating was created and submitted in a packet), a unique identifier for the wireless device ("associating an identifier with the receiving device" which is the wireless handset, Claim 2, lines 1-2) and an application identifier for the wireless device application (Since

Art Unit: 2109

Bilange's MIDlet uses a license key, paragraph 0017, line 4, which then helps with the "identification of the registered application at the OTA server", paragraph 0039, lines 5-7, Bilange provides an application identifier in his framework. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user's handset, which is a mobile device, Figure 7, the "User is asked to rate the app before terminating it". block 714 of Figure 7 of the drawings)

Regarding claim 5 and 19:

Bilange discloses the method and the computer readable medium with program instructions for submitting ratings for wireless device applications, comprising the instructions and method steps comprising: launching a mobile web session; and sending the packet to the server (Bilange discloses in paragraph 0044 that "the licensing step may be delayed until the first launch of the application on the mobile device". Bilange also discloses "Finally the application registers itself with the OTA server when it is first launched.", Abstract drawing Block 409. It is inherent that there must be a packet sent from the mobile network device in order for Bilange's registration and ratings to be sent to a server and since Bilange uses "TCP/IP" or "WAP" paragraph 0051, lines 6-7. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user's handset, which is a mobile device, Figure 7, the "User is asked to rate the app before terminating it". block 714 of Figure 7 of the drawings)

Regarding claim 6 and 20:

Bilange discloses the method and the computer readable medium with

program instructions for submitting ratings for wireless device applications, comprising the instructions and method steps comprising: sending the packet to the server utilizing an Application Programming Interface (API) within the wireless device application. (Bilange's API is the MIDlet application. paragraph 0015, lines 5-7. Also Bilange's user "receives a request from the server to rate the application and sends the rating information...The server records the user's rating information." paragraph 0079, lines 7-8, and second column same paragraph, line 1. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user's handset, which is a mobile device, Figure 7, the "User is asked to rate the app before terminating it". block 714 of Figure 7 of the drawings)

Regarding claim 7 and 21:

Bilange discloses the method and the computer readable medium with program instructions for submitting ratings for wireless device applications, comprising the instructions and method steps comprising: wherein the packet further comprises free form text received by the wireless device. (Since Bilange's method and medium allow SMS (Short Message Service), to be sent and received by the server, he accommodates packets of free form text. paragraph 0031, last three lines. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user's handset, which is a mobile device, Figure 7, the "User is asked to rate the app before terminating it". block 714 of Figure 7 of the drawings)

Regarding claim 8 and 22 :

Bilange discloses the method and the computer readable medium with

Art Unit: 2109

program instructions for submitting ratings for wireless device applications, comprising the instructions and method steps comprising: receiving the packet by the server; (the user "receives a request from the server to rate the application and sends the rating information... The server records the user's rating information." paragraph 0079, lines 7-8, and second column same paragraph, line 1. Bilange's method and medium uses packets sent from the mobile network device in order for Bilange's registration and ratings to be sent to a server and since Bilange uses "UDP, TCP, HTTP", or other supported protocol connection", paragraph 0081, line 5), determining if a database coupled to the server is storing a current rating for the wireless device application from the wireless device (Figure 3 of the drawings shows a database coupled to the server and the server determines if the database is storing a current rating because "This message may then be stored for later processing such as when the 'Top Ten High Scores' for a particular game is determined". paragraph 77, lines 9-11); replacing the current rating with the rating in the packet (It replaces the rating because the "Top Ten High Scores is determined" paragraph 77, lines 9-11); and inserting the rating, the unique identifier, and the application identifier from the packet into the database, if the database is not storing the current rating ("The OTA servers 110 use the information stored in the central database 102 to generate views on the application catalogue..." paragraph 0030, lines 1-3, and the application catalog, paragraph 0012, lines 2-3, incorporates user feedback., paragraph 0020, lines 1-5. The method and medium also associates "an identifier with the receiving device" which is the wireless handset, Claim 2, lines 1-2, and Bilange provides a unique identifier of the application since Bilange's

MIDlet uses a license key, paragraph 0017, line 4, which then helps with the "identification of the registered application at the OTA server", paragraph 0039, lines 5-7, Bilange provides an application identifier in his method and medium for which the application catalogue stores the information at the database. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user's handset, which is a mobile device, Figure 7, the "User is asked to rate the app before terminating it". block 714 of Figure 7 of the drawings)

Regarding claim 9 and 23:

Bilange discloses the method and the computer readable medium with program instructions for submitting ratings for wireless device applications, comprising the instructions and method steps comprising: wherein the determining step comprises: determining that the wireless device owns the wireless device application (Since Bilange's medium and method provide for the "prevention of piracy", paragraph 007, last line plus first line of column 2 in paragraph 007, Bilange discloses that his method and medium determine ownership between device and application. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user's handset, which is a mobile device, Figure 7, the "User is asked to rate the app before terminating it". block 714 of Figure 7 of the drawings)

Regarding claim 10 and 24:

Bilange discloses the method and the computer readable medium with program instructions for obtaining ratings for wireless device applications, comprising the instructions and method steps comprising: for obtaining ratings for wireless device

Art Unit: 2109

applications, comprising the steps of: receiving a packet from a wireless device, wherein the packet comprises a rating for a wireless device application ("For example, a user may rate an application after it is purchased. This rating may be posted to a server and used to generate popularity statistics." paragraph 0020, lines 6-7. Bilange also discloses wireless device applications because Bilange discloses "wireless network-connected devices and services", paragraph 003, lines 1-2 for which "applications may be stored locally on a device.", paragraph 004, lines 1-2); determining if a database is storing a current rating for the wireless device application from the wireless device (Figure 3 of the drawings shows a database coupled to the server and the server determines if the database is storing a current rating because "This message may then be stored for later processing such as when the 'Top Ten High Scores' for a particular game is determined". paragraph 77, lines 9-11 and "The OTA servers 110 use the information stored in the central database 102 to generate views on the application catalogue..." paragraph 0030, lines 1-3, and the application catalog, paragraph 0012, lines 2-3, incorporates user feedback, paragraph 0020, lines 1-5 which comprise ratings); replacing the current rating with the rating in the packet, if the database is storing the current rating ("The OTA servers 110 use the information stored in the central database 102 to generate views on the application catalogue..." paragraph 0030, lines 1-3, and the application catalog, paragraph 0012, lines 2-3, incorporates user feedback., paragraph 0020, lines 1-5.); and inserting the rating, the unique identifier, and the application identifier from the packet into the database, if the database is not storing the current rating. (The method and medium also associates "an

Art Unit: 2109

identifier with the receiving device" which is the wireless handset, Claim 2, lines 1-2, and Bilange provides a unique identifier of the application since Bilange's MIDlet uses a license key, paragraph 0017, line 4, which then helps with the "identification of the registered application at the OTA server", paragraph 0039, lines 5-7, Bilange provides an application identifier in his method and medium for which the application catalogue stores the information at the database, and Bilange also provides a "unique version of the registered application", paragraph 0042, lines 5-6. It is inherent that there must be a packet sent from the mobile network device in order for Bilange's registration and ratings to be sent to a server for the application catalogue since Bilange uses "TCP/IP" or "WAP" paragraph 0051 lines 6-7. Bilange stores this information in the central database. paragraph 0030, lines 1-3. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user's handset, which is a mobile device, Figure 7, the "User is asked to rate the app before terminating it". block 714 of Figure 7 of the drawings)

Regarding claim 11 and 25:

Bilange discloses the method and the computer readable medium with program instructions for obtaining ratings for wireless device applications, comprising the instructions and method steps comprising: wherein the packet further comprises the unique identifier for the wireless device and the application identifier ("The application catalogue may have the ability to record a variety of details about each available mobile device", paragraph 0059, lines 2-3; it also identifies the device in the packet because the application provisioning server can ask the user which mobile device they are using

Art Unit: 2109

on their first visit and record this for subsequent visits.” paragraph 0059, last 3 of five lines. The application catalog also obtains the packet with the application identifier in it because it provides ratings for the identified application, since Bilange incorporates “user feedback into a catalogue used to display lists of application available to users” paragraph 0020, line 2-3. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user’s handset, which is a mobile device, Figure 7, the “User is asked to rate the app before terminating it”. block 714 of Figure 7 of the drawings)

Regarding claim 12 and 26:

Bilange discloses the method and the computer readable medium with program instructions for obtaining ratings for wireless device applications, comprising the instructions and method steps further comprising: determining that the wireless device owns the wireless device application (Since Bilange’s medium and method provide for the “prevention of piracy”, paragraph 007, last line plus first line of column 2 in paragraph 007, Bilange discloses that his method and medium determine ownership between device and application. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user’s handset, which is a mobile device, Figure 7, the “User is asked to rate the app before terminating it”. block 714 of Figure 7 of the drawings)

Regarding claim 13 and 27:

Bilange discloses the method and the computer readable medium with

Art Unit: 2109

program instructions for submitting ratings for wireless device applications, comprising the instructions and method steps comprising: receiving a rating for a wireless device application by a wireless device ("For example, a user may rate an application after it is purchased. This rating may be posted to a server and used to generate popularity statistics." paragraph 0020, lines 6-7. Bilange also discloses wireless device applications because Bilange discloses "wireless network-connected devices and services", paragraph 003, lines 1-2 for which "applications may be stored locally on a device.", paragraph 004, lines 1-2.); creating a packet comprising the rating, a unique identifier for the wireless device, and an application identifier for the wireless device application; sending the packet to a server (This rating may be posted to a server and used to generate popularity statistics." paragraph 0020, lines 6-7. "The application catalogue may have the ability to record a variety of details about each available mobile device", paragraph 0059, lines 2-3; it also identifies the device in the packet because the application provisioning server can ask the user which mobile device they are using on their first visit and record this for subsequent visits." paragraph 0059, last 3 of five lines. The application catalog also obtains the packet with the application identifier in it because it provides ratings for the identified application, since Bilange incorporates "user feedback into a catalogue used to display lists of applications available to users" paragraph 0020, line 2-3) ; determining if a database coupled to the server is storing a current rating for the wireless device application from the wireless device (Figure 3 of the drawings shows a database coupled to the server and the server determines if the database is storing a current rating because "This message may then be stored for later

Art Unit: 2109

processing such as when the 'Top Ten High Scores' for a particular game is determined". paragraph 77, lines 9-11); replacing the current rating with the rating in the packet, if the database is storing the current rating (It replaces the rating because the "Top Ten High Scores is determined" paragraph 77, lines 9-11); and inserting the rating, the unique identifier, and the application identifier from the packet into the database, if the database is not storing the current rating ("The OTA servers 110 use the information stored in the central database 102 to generate views on the application catalogue..." paragraph 0030, lines 1-3, and the application catalog, paragraph 0012, lines 2-3, incorporates user feedback., paragraph 0020, lines 1-5. The method and medium also associates "an identifier with the receiving device" which is the wireless handset, Claim 2, lines 1-2. Bilange provides a unique identifier of the application since Bilange's MIDlet uses a license key, paragraph 0017, line 4, which then helps with the "identification of the registered application at the OTA server", paragraph 0039, lines 5-7, Bilange provides an application identifier in his method and medium for which the application catalogue stores the information at the database. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user's handset, which is a mobile device, Figure 7, the "User is asked to rate the app before terminating it". block 714 of Figure 7 of the drawings)

Regarding claim 14 and 28:

Bilange discloses the method and the computer readable medium with program instructions for submitting ratings for wireless device applications, comprising the instructions and method steps comprising: receiving a rating for a wireless device

Art Unit: 2109

application on a wireless device via an Internet web site (Since "the device starts the Internet and either enters the OTA URL" and "connects to the service" as in Figure 7 of the drawings, block 701, followed later by "rating the application before terminating it" as in block 714 of Figure 7 and the server receives the rating as in block 715 of Figure 7, this is done from an internet web site); determining if a database is storing a current rating for the wireless device application from the wireless device (Figure 3 of the drawings shows a database coupled to the server and the server determines if the database is storing a current rating because "This message may then be stored for later processing such as when the 'Top Ten High Scores' for a particular game is determined". paragraph 77, lines 9-11); replacing the current rating with the received rating, if the database is storing the current rating (It replaces the rating because the "Top Ten High Scores is determined" paragraph 77, lines 9-11); and inserting the received rating, a unique identifier for the wireless device, and an application identifier for the wireless device application into the database, if the database is not storing the current rating ("The OTA servers 110 use the information stored in the central database 102 to generate views on the application catalogue..." paragraph 0030, lines 1-3, and the application catalog, paragraph 0012, lines 2-3, incorporates user feedback., paragraph 0020, lines 1-5. The method and medium also associates "an identifier with the receiving device" which is the wireless handset, Claim 2, lines 1-2, and Bilange provides a unique identifier of the application since Bilange's MIDlet uses a license key, paragraph 0017, line 4, which then helps with the "identification of the registered application at the OTA server", paragraph 0039, lines 5-7, therefore Bilange provides an

Art Unit: 2109

application identifier in his method and medium for which the application catalogue stores the information at the database. Bilange also discloses a computer readable medium which is inherent in a mobile device since he states that on the user's handset, which is a mobile device, Figure 7, the "User is asked to rate the app before terminating it". block 714 of Figure 7 of the drawings.)

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joan B. Naurot Ton whose telephone number is 571-270-1595. The examiner can normally be reached on M-Th 9 to 6:30 (flex sched) and alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

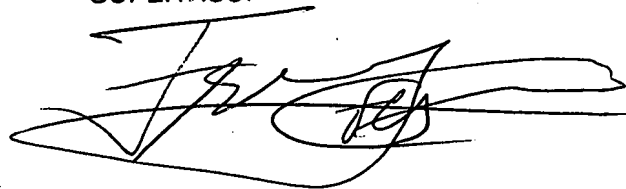
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/687,055
Art Unit: 2109

Page 22

JBNT
04/13/2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Jules Frantz', is written over a horizontal line. The signature is stylized with large, sweeping loops and a prominent 'J' at the beginning.